

Application No. 10/584,432
Amendment dated August 29, 2008
Reply to Office Action of June 12, 2008

REMARKS

In the Office Action of June 12, 2008, claims 1-10 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner objected to the terms "modified epoxy resin" and "modified polyamine and/or polyamideamine." The Examiner further rejected claim 6 for indefiniteness because the Examiner felt it was unclear as to what the "main agent" consists of. The present Amendment clarifies this subject matter.

Claims 1 and 7 are currently amended to eliminate the term "modified" from the phrase "modified epoxy resin." Support for this amendment is found on page 5, L13-15: "The epoxy resin of this invention can be a liquid epoxy resin of bisphenol A and/or a liquid epoxy resin of bisphenol F."

Claims 5 and 10 are amended to eliminate the term "modified" from the phrase "modified polyamine and/or polyamideamine." Use of aliphatic polyamine and/or polyamideamine is well known in the art, *see*, page 4, L1-10. Support for this amendment is found at page 6, L5-10 and L15-17.

With respect to claim 6, the rejection under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Antecedent basis for the "main agent" is found in claim 1. Furthermore, claim 1 is currently amended to clarify the constituencies of the "main agent."

For the reasons set forth above, applicant respectfully requests withdrawal of the claim rejections under 35 U.S.C. § 112.

With respect to the rejection under 35 U.S.C. § 103, such rejection is respectfully traversed. Applicant respectfully asserts that each and every claimed element is not found in the combination asserted by the Examiner. Particularly, the combination of references does not disclose a silicon dioxide powder that is impregnated with a mix solution obtained by dissolving calcinated animal bone powder in a liquid mixture of sulfamic acid and boric acid.

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Fujita JP Patent No. 2001 335740 discloses a coating material consisting of a main ingredient comprising 100 parts by weight modified epoxy resin and 10 to 60 parts by weight baked animal bone meal with a curing agent. In contrast, the present invention provides a coating for prevention of sticking of marine life comprising 100 parts by weight of a main agent that contains an epoxy resin and a silicon dioxide powder that is impregnated with a solution obtained by dissolving calcinated animal bone powder in a liquid mixture of sulfamic acid and boric acid. Fujita simply does not disclose the prime point of the present invention, namely, a silicon dioxide powder that is impregnated with a solution obtained by dissolving calcinated animal bone powder in a liquid mixture of sulfamic acid and boric acid.

Moreover, the disclosure of Hei et al U.S. Patent Publication 20020168422 does not provide the requisite disclosure. Hei only discloses that buffering agents can be added to bacterial compositions, but does not disclose the mixing of silicon dioxide powder impregnated with a solution of calcinated animal bone powder and sulfamic acid and boric acid. Simply, there is no evidence or suggestion in the cited prior art of the claimed configuration, *Ex Parte Katoh et al*, Appeal 20071460, decided May 29, 2007. Further, the Examiner has not provided any evidence that it was conventional in the art to modify the Fujita reference in the manner suggested, *Ex parte Owlett*, Appeal 20070644, decided June 20, 2007. Moreover, rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusions of obviousness, *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

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For the reasons set forth above, applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103. Applicant respectfully asserts that the claims are in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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